IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.M. No.33892-M of 2007

Date of Decision: 24.5.2007

Shadi Lal

....Petitioner.

Versus

The State of Haryana.

...Respondent.

Present:- Mr.Jagdish Manchanda,Advocate
for the petitioner.

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S.S.SARON, J.(ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.108 dated 7.8.1999 (Annexure P1) registered at P.S. Ismailabad, District Kurukshetra, for the offences under Section 420,468, 471 IPC. The FIR has been registered on the statement of Rajinder Kumar who has primarily alleged that he had never taken any loan from MalikPur Co-operative Credit and Service Ltd. However, the society had shown loan amounting to Rs.17600/- against him. It is also mentioned in the FIR that on 28.7.1999 the department held the petitioner guilty for advancing the M.T. Loan. The petitioner is the salesman of the Society.

Learned counsel for the petitioner has submitted that in respect of the loan Rajinder Kumar has infact deposited the amount due against him amounting to Rs.35700/-, vide receipt dated 7.6.2005 (Annexure P2). It is evident that the amount had been taken by the complainant Rajinder Kumar who has deposited the same. It is further submitted that challan in the case

has not been filed and the same is likely to be filed very soon.

After giving my thoughtful consideration to the matter in my view no ground for interference with the investigation is made out at this stage. In case the amount of Rs.35700/- has indeed been returned by the complainant Rajinder Kumar in pursuance of receipt dated 7.6.2005 (Annexure P2), then the petitioner may approach the Investigating Authorities and apprise them of the position. It is for the Investigating Authorities to consider the matter and take appropriate action in accordance with law.

For the fore-going reasons, no ground for interference with the investigation and for quashing the FIR No.108 dated 7.8.1999 (Annexure P1), registered at P.S. Ismailabad, for the offences under sections 420, 468, 471 IPC is made out at this stage.

The petition is pre-mature and accordingly it is dismissed.

(S.S.SARON)
JUDGE

May 24,2007
Reema